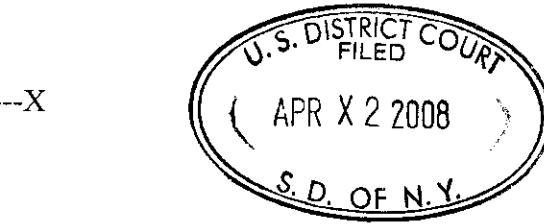


SCANNEDUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
VITO DeCARLO, JR.,

Plaintiff,

-against-

CIVIL JUDGMENT

08 Civ. 0349 (KMW)

NEW YORK STATE DEPARTMENT OF LOTTERY,

Defendant.

-----X

By order dated January 15, 2008, Plaintiff was directed to submit an amended complaint within sixty (60) days of the date of that order. Plaintiff, however, has failed to submit an amended complaint, as specified by the abovementioned order, within the time allowed. Therefore, it is,

ORDERED, ADJUDGED AND DECREED: That this action is dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Court's order or judgment would not be taken in good faith.

A handwritten signature in black ink that appears to read "Kimba M. Wood".

KIMBA M. WOOD

Chief Judge

Dated: APR X 2 2008

New York, New York

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON _____.